

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

FRIDAY, THE 27TH DAY OF FEBRUARY 2015/8TH PHALGUNA, 1936

Bail Appl..No. 896 of 2015 ()

CRIME NO. 59/2015 OF THIRUVALLA POLICE STATION, PATHANAMTHITTA DISTRICT

PETITIONERS/ACCUSED 1 & 2:-

- 1. SHIJU V.K., AGED 37 YEARS,
S/O.P.K.KRISHNANKUTTY, VADAKKEDATH HOUSE, PANNIKUZHI,
MUTHOOR, KUTTAPPUZHA VILLAGE, THIRUVALLA TALUK.**
- 2. RENJU, AGED 35 YEARS,
S/O.C.K.RAMACHANDRAN, CHULLIKKALKANDATHIL,
PERUMTHURUTHY, THIRUVALLA TALUK.**

BY ADV. SRI.MVS.NAMBOOTHIRY

RESPONDENT :

**STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SRI.V.S.SREEJITH

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 27-02-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

sts

K. ABRAHAM MATHEW, J.

B.A. No.896 of 2015

Dated this the 27th day of February, 2015

O R D E R

Petition filed under Section 438 Cr.P.C.

The petitioners are accused in crime No.59/2015 of Thiruvalla Police Station, which was registered for the offences under Sections 294(b), 323, and 451 IPC. Later, Section 354 IPC also was incorporated.

2. Learned counsel for the petitioners submits that the facts do not attract Section 354 IPC and it was incorporated with the malicious intention of denying bail to the petitioners.

3. Heard.

4. The only allegation against the petitioners is that the second petitioner slapped the victim. The case was registered only for the offences under Sections 294(b), 323 and 451 IPC. Later, a report was sent to the Magistrate stating that the offences committed by the accused include

Section 354 IPC also. It is doubtful whether Section 354 IPC is attracted. So I am inclined to grant the prayer for anticipatory bail.

In the result, this application is allowed.

- 1) The petitioners shall be released on bail after interrogation on their executing a bond for Rs.25,000/- (Rupees twenty five thousand only) each with two solvent sureties each for the like sum if they are arrested by the police in connection with this case.
- 2) They shall co-operate with the investigation.

This order is not applicable if the petitioners choose to surrender before the Magistrate concerned and in such case the learned Magistrate may take appropriate action in accordance with the law.

sd/-
K. ABRAHAM MATHEW
JUDGE

shg/